

Some Lessons from the 1924-25 Irish Boundary Commission

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Introduction

The Irish Boundary Commission completed its report in November 1925, almost exactly 80 years ago, but the anniversary went almost unnoticed on both sides of the border. The Commission is noteworthy not for what it achieved, but because of the circumstances surrounding its failure. It was wrecked largely on account of the premature publication of its findings (including a map) in *The Morning Post* on 7 November 1924. Nobody was able to discover the source of the leak but suspicion fell on one of the three Commissioners, thus precipitating the resignation of the Commission Chairman Mr Justice Feetham.

In such extraordinary circumstances it was concluded that the Commission's recommendations were invalid, and the Report was officially suppressed until January 1968 when it was released by the Public Record Office in London. In the following year the Irish University Press published the *Report of the Irish Boundary Commission 1925*, including two detailed coloured maps. It is an enthralling document, not least because it reveals the procedures of the Commission, and some of the difficulties they encountered in the discharge of their duties. Although the specific proposals for adjustments to the Anglo-Irish border are unlikely to have much relevance today, the experience of the Irish Boundary Commission is worth considering. A number of mistakes were made, particularly in setting up and briefing the Commission, which ought at all costs to be avoided by boundary commissions and the like today. These are summarised below.

Background

The Irish Boundary Commission was appointed under the terms of the Treaty of 6 December 1921 between Britain and Ireland in which the parties agreed to partition Ireland between 26 counties in the south to become an independent Irish Free State and six counties in the north which would remain

within the United Kingdom. The partitioning of Ireland was not regarded as permanent, especially by the Government of the Irish Free State which included the reunification of Ireland as part of its constitution. However, the boundaries of the six counties were merely administrative divisions going back to the sixteenth century, and were not regarded as satisfactory as the basis for an international divide. The Commission was therefore required to:

“determine in accordance with the wishes of the inhabitants so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland...” (Article 12).

There were to be three Commissioners, one appointed by the Free State, one by Northern Ireland, and a Chairman to be appointed by Britain. Mr Justice Feetham (a South African) was appointed Chairman, Professor Eoin McNeill represented the Irish government, and Mr Joseph Fisher was nominated by Britain to represent the government of Northern Ireland.

1. *Terms of reference.* The Commission's problems began with the terms of reference quoted above, which were vague and confusing. The Commissioners themselves, and many of those giving evidence to them were perplexed by trying to establish the relationship between the wishes of the people and economic and geographic considerations. The wishes of the people were clearly of prime importance, but what kind of geographic and economic considerations would justify overturning what the people wanted? And at what scale were economics and geography to be brought into the picture? Much had to be left to the discretion of the Commissioners in weighing up what were sometimes conflicting interests. In general they decided that the boundary would only be adjusted if there was very good reason, and the new line ought not to lead to the economic detriment or geographic isolation of borderlanders. For example, the Commission made an extremely controversial decision to retain part of the Mourne Mountains within Northern Ireland because of the location of the Belfast Waterworks and sources of water there although the region had a clear Catholic majority. The Commission would have benefitted from precise and more detailed terms of reference.

2. *Powers and duties.* The Irish Boundary Commission does not appear to have been adequately briefed as to the political objectives of the exercise. It very soon transpired that the expectations of the parties were radically different, the Irish government anticipating large transfers of territory, chiefly at the expense of the six counties, and the British government looking for minor adjustments. The Commission assumed that the existing boundary would hold good unless there were convincing local reasons for adjustment. They never seemed to know whether major transfers of territory or population transfers were permissible or not. The Commissioners themselves defined a zone on either side of the six counties boundary in which they conducted their detailed investigations and took evidence from witnesses. Presumably they did not expect to make changes outside the frontier zone which was located anything from a few yards to 16 miles from the existing boundary. Its limits are shown as a dotted line on Figure 1. As the Commission Chairman noted, the lack of clear and specific directions contrasted with the provisions for delimitation of the boundaries in the Versailles Treaty, which set out the limits of the areas to be dealt with, and much more besides.

3. *Ascertaining the wishes of the inhabitants.* By what method was this to be achieved? The Irish Boundary Commissioners were given no special powers to conduct a plebiscite to ascertain the wishes of the permanent population. From this they concluded that the parties to the Treaty did not expect them to conduct a plebiscite. Rather more controversially, they also concluded that in seeking to establish the wishes of the inhabitants they were not obliged to rely on the verdicts of bare majorities. In practice they painstakingly collected evidence from local authorities, interest groups, and individuals along the border on both sides. They also took account of census returns, election results, and other documentary evidence. The Commission had been invited by both governments to rely on the 1911 population census as being the most reliable basis upon which to show the distribution of religious denominations, although it was acknowledged that some changes would have occurred over 13 or 14 years. It was assumed that Protestants would wish to remain in Northern Ireland, and that Catholics would prefer to be in the Irish Free State, which was probably a fair assumption. Thus the coloured map of the religious groups along the border was a key tool in the work of the Commission. Figure 1 shows parts of the Commission map, drawn on the simple

basis of Catholic (light green) and Non-Catholic (pink) majorities.

4. *Size of majority.* The question of what majority of the inhabitants (estimated on the basis of census data and other information) would be necessary to justify an alteration in the existing boundary also concerned the Commissioners. They concluded that the majority would need to be a “*high proportion*” of the inhabitants of the district concerned. No figure was given, presumably because of the need to build in economic and geographical factors where appropriate. The Commission’s key map (Figure 1) shows figures of the Catholic and Non-Catholic (or Protestant) populations of those areas to be transferred from one side of the border to the other. Typically, in areas proposed for transfer to Northern Ireland on the grounds of a Non-Catholic majority, the percentages are 63 to 66% of Non-Catholics in the total population. In areas proposed for transfer to the Irish Free State the proportion of Catholics in the total population is typically much higher, from 79 to 93%. Without an analysis of every area proposed for transfer it would be wrong to draw conclusions from these figures, but on the face of it they suggest that the Commissioners may have had in mind different ideas about what was to be regarded as a ‘high proportion’ in respect of the two communities. If the proposals had been implemented they would no doubt have been subjected to intense scrutiny which might have made mischief out of such figures, whether or not they were the result of deliberate policy.

5. *Unit of area.* The choice of an appropriate unit of area for the purpose of ascertaining and mapping the wishes of the inhabitants was clearly of fundamental importance. The smaller the area, the more closely the wishes of the inhabitants could be determined. The selection of larger units of area might be used to give a false impression. The Commission therefore opted to use the smallest possible area for which separate data were available, but allowed itself the freedom to mark out other ‘convenient’ units of area for the purpose of its work. The Commission might have gained more public confidence if it had been instructed from the outset to use the smallest unit of area without exception. Interestingly, they spent some time considering the provisions of the Versailles Treaty which required the wishes of the inhabitants to be ascertained at the level of communes, but concluded that there was no direct equivalent in Ireland. In the end they chose the old District

Electoral Divisions as existing in 1911 each of which recorded the religion of the inhabitants. For most of these Electoral Districts they were able to obtain further breakdown of population by religion based on 'Townlands' which are ancient historic land units. Accordingly, the map which accompanied the Report of the Boundary Commission was prepared using Townland data everywhere between the dotted lines enclosing the frontier zone (Figure 1). Elsewhere the map was based on District Electoral Division data only. Although it was made clear in a footnote to the map that it represented data based on two different units of area, its overall impact is somewhat misleading. It would have been helpful for the cartographer to indicate the bounds of the administrative areas. Nevertheless, within the initial frontier zone, the Commissioners had a great deal of information at their disposal. In practice they considered the District Electoral Districts as the basis for their proposed boundary adjustments, only adding evidence from the Townland data where "*sufficient reasons can be advanced for such*

6. *The relevant date.* The Treaty requiring the border to be delimited was signed in December 1921, but the Boundary Commission did not begin work until November 1924. Questions were raised as to whether the Commission was obliged to consider the wishes of the inhabitants as they were at the time of the Treaty, or take things as they found them. They decided on the latter, not least because of the impossibility of establishing facts as they were three years before. Counsel for the Irish Free State had made an unsuccessful plea for a plebiscite, which would have required reference to the situation in 1921. Arguments about the relevant date were somewhat academic because of the agreement to adopt the 1911 census as a guide to the wishes of the inhabitants on the basis of their religion. Nevertheless on certain economic matters it continued to be a bone of contention. The lesson is obvious; that Boundary Commissions need clear and detailed instructions as to what the parties wish to regard as the relevant date.

Conclusions

Given the intense interest in adjusting the Irish boundary in the 1920s it is perhaps surprising that it features so rarely in the current discussions concerning the future of Northern Ireland. According to the Northern Ireland Constitution Act

(1973) and the Anglo-Irish Agreement, the status of Northern Ireland will not change without the consent of the majority of the people. There is widespread acknowledgement that Northern Ireland will remain part of the United Kingdom for "*the foreseeable future*", (Frameworks For The Future, 1994). Thus the old six counties boundary will continue to function as an international divide and questions should at least be asked concerning its continued suitability. The boundary has been frequently criticised for all kinds of shortcomings (see for example B. Dumortier, 1994), some of which will be ameliorated with the advent of lasting peace, and the commencement of a number of cross-border economic initiatives. The parties are also members of the European Union which has greatly diminished the range of functions operating at international boundaries within the Union. The process of building peace and confidence between the Irish Republic and the United Kingdom might be assisted by mutually acceptable boundary adjustments. On the other hand, the sad experience of the Irish Boundary Commission may deter either government from ever again attempting what would be an extremely delicate exercise. In the meantime, the Irish Boundary Commission should not be forgotten; it remains a classic case study of a poorly-planned Boundary Commission.

References

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